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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,233	12/04/2001	Helmut Ponn	47874.267151	8299
28694	7590	05/19/2005	EXAMINER	
NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW SUITE 400 EAST WASHINGTON, DC 20005			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/683,233	PONN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Carlos Lugo	3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> .        |

✓

### DETAILED ACTION

1. This Office Action is in response to applicant's RCE filed on March 18, 2005.

#### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Elements 14a and 14b are not illustrated in the drawings.

The current set of drawings shows Figures 1a, 1b, 2a and 2b. In the Office Action filed on August 11, 2004, the examiner objected to the drawings because the applicant just adds reference numbers 14a and 14b and point out in the specification, Paragraph 12 Lines 3,5 and 9, that these new reference numbers shows the unlocked and locked positions. However, the examiner explains that the drawings were still objected because they fail to show the relationship of the cable end with respect to the cable seat in the locking and unlocking position.

The applicant's response, on November 12, 2004, provide a new set of drawings, Figures 1a, 1b, 2a, 2b, wherein elements 14a and 14b were cancelled so as to overcome the objection to the drawings.

However, the applicant never provides an appropriate correction to the specification. The current specification includes elements 14a and 14b on Paragraph 12 Lines 3,5 and 9 (see attachment #1). Therefore, the objection to the drawings is maintained.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 1,5-7 and 19 are rejected** under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,092,845 to Koenig.

Art Unit: 3676

Regarding claims 1,5,7 and 19, Koenig discloses a vehicle lock device comprising a lock casing (20).

A cable sheath (90) is fixed in relation to the lock casing (at 86). A cable (94) is displaceable arranged in the cable sheath. An end of the cable is pointing towards the lock casing.

A cable seat (an end of 82 in contact with the cable 94) is operatively connected to a catch (50) and adjacent to the cable end and having a separation thereon.

The lock device also includes a rotary bolt (20) and an element (110) for acting upon the end of the cable.

The cable end is designed, by pushing down the other end of the cable, to be brought into engagement with the cable seat, closing the separation for actuation of the catch. The catch is used to disengage the rotary bolt in order to release a bolt (Col. 5 Lines 35-52).

The cable end is directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position (Col. 3 Line 59 to Col. 4 Line 9 and Lines 28-32).

As to claim 6, Koenig discloses that the operating device (110) acts directly on the cable end.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3676

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 2-4 and 8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,092,845 to Koenig in view of US Pat No 4,691,584 to Takaishi et al (Takaishi).

Regarding claims 2-4, Koenig fails to disclose that the element to act on the end of the cable is a mechanical, electrical device or that uses a memory metal. Koenig discloses that the element is a handle (110).

Takaishi teaches that is known in the art to have a mechanical or electrical device (electric motor 100) to act on the end of the cable (108).

Furthermore, the applicant admits that it will be obvious to one skilled in the art that the device can be one from the list of mechanical or electrical devices claimed.

As to claim 8, Takaishi teaches that a mechanical transmission system (inside 100) is between the operating device and the cable end pointing towards the lock casing (104).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an operating device, as taught by Takaishi, into a lock device as described by Koenig, in order to change the operating device from manual to automatic.

***Allowable Subject Matter***

**7. Claims 9-17 are allowed.**

Art Unit: 3676

8. **Claim 20 is objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Reasons For Allowance**

9. The following is an examiner's statement of reasons for allowance:

Claim 9 is allowable over the prior art of record and claim 20 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the mechanical transmission system further comprises a reversing arm that, by means of a mechanical actuating element, imparts a torsional movement to the element, so that the element push the cable end.

Koenig discloses that the reversing arm (handle or button) imparts a pushing movement, not a torsional movement to the element, so that the element pushes the cable end.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo  
AU 3676

May 10, 2005.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with the first name "Daniel" and last name "Stodola" clearly legible.

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



AMENDMENTS TO THE SPECIFICATION:

- Please replace paragraph 11 with the following.

A1 [0011] The vehicle lock 1 also includes a catch 5 rotatably arranged in connection with an elongated recess 6 in the lock casing 2. The elongated recess 6 in the lock casing 2 is designed to receive a lock pin 7 that can be arranged, for example, on an openable part of the vehicle such as a door. On the opposite side of the elongated recess 6 a rotary bolt 8 with a recess 8a designed to receive the lock pin 7 is rotatably arranged in connection with the elongated recess 6. In the position shown, the rotary bolt 8 is engaged with the catch 5. This position is for preventing the lock pin 7, when it is in the recess 8a of the rotary bolt, from leaving the elongated recess 6 in the lock casing 2, thereby keeping the openable part of the vehicle locked in the vehicle.

- Please replace paragraph 12 with the following.

A2 [0012] Next to that free end 4a of the cable pointing towards the lock casing 2 is an operating device 9 such as a mechanical operating device. This operating device 9 is designed, when shifted by the vehicle lock 1 from a locked position 14b to an unlocked position 14a, to position the free cable end 4a or the cable sheath 3 so that the free cable end 4a in the unlocked position 14a is directed for engagement with a cable seat 10 arranged in the catch 5. The cable seat 10 may also be formed on a moveable part operatively connected to the catch 5. As the cable 4 is further displaced, the cable seat 10 will take up the free end 4a of the cable and impart a torsional movement to the catch 5. The catch 5 is disengaged from the rotary bolt 8, thereby releasing the bolt. With the operating device 9 in the locked position 14b, the free end 4a of the cable pointing towards the lock casing 2 or the cable sheath 3 is designed to assume an orientation wherein the cable end 4a is directed to the side of the cable seat 10 when it is forced out of that end 3a of the cable sheath directed towards the lock casing 2. For example, this can occur when acted upon by a door handle for pushing down the other end of the cable in the cable sheath 3. Since the cable seat 10 is not acted upon, the catch 5 and, hence, the rotary bolt 8 remain unaffected. The lock pin 7 of the openable part of the vehicle remains locked in the elongated recess 6 of the lock casing 2.

- Please replace paragraph 15 with the following.

A3 [0015] The lock 1 includes a catch 5 rotatably arranged in connection with an elongated recess 6 in the lock casing 2. The elongated recess 6 is designed to receive a lock pin 7. The lock pin 7 can be arranged, for example, on an openable part of the vehicle such as a door. On the opposite side of the elongated recess 6 a rotary bolt 8 having a recess 8a designed to receive the lock pin 7 is rotatably arranged in connection with the elongated recess 6. In the position shown, the rotary bolt 8 is engaged with the catch 5. This is intended to prevent the lock pin 7, when it is in the recess 8a of the rotary bolt, from leaving the elongated recess 6 in the lock casing 2, thereby keeping the openable part of the vehicle locked in the vehicle.

ATTACHMENT #1